

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

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| DAVID FOSTER, | : | |
| | : | NO. 1:11-CV-00256 |
| Petitioner, | : | |
| | : | |
| | : | |
| v. | : | ORDER |
| | : | |
| | : | |
| ROBIN KNAB, Warden, | : | |
| | : | |
| Respondent. | : | |

This matter is before the Court on the June 7, 2012 Magistrate Judge's Report and Recommendation (doc. 21), Petitioner's objections thereto (doc. 24), the Magistrate Judge's Supplemental Report and Recommendation of August 31, 2012 (doc. 26), and Petitioner's objections thereto (doc. 27).

As required by 29 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has reviewed the comprehensive findings and analyses of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court finds that the Magistrate Judge's Reports and Recommendations are thorough, well-reasoned and correct. Accordingly, the Court ADOPTS and AFFIRMS the Magistrate Judge's Reports and Recommendations (docs. 21, 26) in their entirety. Consequently, Petitioner's petition for habeas

corpus is DENIED WITH PREJUDICE (doc. 2). The Court DECLINES to issue a certificate of appealability with respect to Petitioner's claims for relief because "jurists of reason" would not find it debatable whether this Court is correct in its procedural rulings and because Petitioner has failed to make a substantial showing of the denial of a constitutional right, and the issues presented are not adequate to deserve encouragement to proceed further. See Slack v. McDaniel, 529 U.S. 473, 484-85 (2000); 28 U.S.C. § 2253(c), Fed. R. App. P. 22(b). Pursuant to 28 U.S.C. 1915(1)(c), this Court CERTIFIES that any appeal of this order will not be taken in good faith, and therefore DENIES Petitioner leave to appeal in forma pauperis upon a showing of financial necessity. See Fed. R. App. P. 24(a); Kincade v. Sparkman, 117 F.3d 949, 952 (6th Cir. 1997).

SO ORDERED.

Dated: November 1, 2012 /s/ S. Arthur Spiegel
S. Arthur Spiegel
United States Senior District Judge